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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,509	12/19/2000	Masaki Ito	FUJ 17.715(100794-11514)	7520
26304 7590 08/21/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER KANG, PAUL H	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/741,509	Applicant(s) ITO ET AL.	
	Examiner Paul H. Kang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurlow et al., US Patent No. 6,457,879 B1 in view of Leong et al., US Pat. App. No. 2002/0046268 A1.**

3. As per claim 1, Thurlow teaches the invention substantially as claimed. Thurlow teaches a packet communication system communicable to one or more terminals, said packet communication system comprising:

an editing communication unit, which when there is a changed in a communicability state of said terminals, edits and transmits information on the communicability state of said terminals (Thurlow, col. 3, lines 37 – 63 and col. 4, lines 46-67).

However, Thurlow fails to disclose the system wherein the packet communication system is accommodated in a router device and the router device monitors a communicability state of said one or more terminals. In the same field of endeavor, Leong teaches a system for monitoring on a packet based network, wherein a router is used to accommodate monitoring device (Leong teaches a system for performing network management wherein the management

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agent resides on a network device such as a router; Leong, ¶ 0049).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the router of Leong into the monitoring system of Thurlow since a router is an integral part of a packet based data network conducive to housing network management functions.

Thurlow-Leong does not explicitly teach monitors by polling said terminals from the packet communication system. Thurlow-Leong does teach an application program polling the device for status information. In the art, Gehring teaches a wireless network communication system wherein the device status is obtained by polling the state of the devices and updating the state table accordingly (Gehring, ¶¶ 0027, 0070).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of state polling and status updating of Gehring into the known system of Thurlow-Leong to improve the network management system for the predictable result of obtaining device status information.

4. As per claim(s) 2, Thurlow-Leong-Gehring teaches the claimed invention as described in claim(s) 1 above and furthermore discloses the editing communication unit sets to an incommunicable state those of said terminals that are incommunicable for a period of time (Thurlow, col. 10, lines 4-21).

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5. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurlow in view of Leong as applied, and further in view of Nixon et al., US Pat. No.6,513,060 B1.

6. As per claim 3, Thurlow-Leong-Gehring teach the invention substantially as claimed. However, Thurlow-Leong does not explicitly teach a server wherein the editing communication unit edits the communicability state information of the terminals in e-mail format and transmits the edited communicability state information to the server. In the same field of endeavor, Nixon teaches a system and method for monitoring resources wherein an editing communication unit edits the communicability state information of the terminals in e-mail format and transmits the edited communicability state information (See Thurlow, col. 3, lines 37 – 63 and col. 4, lines 46-67; Nixon, Column 4 Lines 31-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the email notification of state information as taught by Nixon into the communicability state monitoring system of Thurlow-Leong-Gehring in order to provide a reliable low bandwidth communication medium for state information communication.

7. As per claim 4, Thurlow-Leong-Gehring-Nixon teaches the claimed invention as described in claim(s) 1-3 above and furthermore discloses a World Wide Web server (i.e., web server) , wherein the communication editing unit edits the communicability state information of the terminals in tagged-text format and provides the edited communicability state information to the World Wide Web server as a file name including a date and/or time of day, (See Nixon,

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Column 6 Lines 58-67 as Column 7 Lines 1-25) .

8. As per claim 5, Thurlow-Leong-Gehring-Nixon teaches the claimed invention as described in claim(s) 1-4 above and furthermore discloses the server is an FTP (File Transfer protocol) server and the communication editing unit edits the edited communicability state information of the terminals into table-format data and provides the edited communicability state information to the FTP server as a file name including date and/or time of day, (See Nixon, Column 5 Lines 50-67 and Column 7 Lines 1-25).

11. As per claim 6, Thurlow-Leong-Gehring-Nixon teaches the claimed invention as described in claim(s) 1-5 above and furthermore discloses billing information corresponding to the communication executed by the terminals is included in the edited communicability state information (See Nixon, Column 13 Lines 20-30).

12. As per claim 7, Thurlow-Leong-Gehring-Nixon discloses a an agent reception (i.e., control unit) and transfer unit which, when at least one of said terminals is in an incommunicable state determined by polling said terminal from the packet communication system, receives e-mail instead of a user of a terminal that is in the incommunicable state and transfers the received e-mail to a desired transfer destination; wherein it control the report unit which is in turn in charge of sending e-mails, (See Nixon, Column 5 Lines 27-40).

13. As per claim 8, Thurlow-Leong-Gehring-Nixon teaches the claimed invention as

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described in claim(s) 7 above and furthermore discloses the agent reception and transfer unit which receives e-mail instead of the user, including one or more prescribed characters in a title of the received e-mail, and transfers the received e-mail to the desired transfer destination, (See Nixon, Column 7 Lines 1-25).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ni Thurlow-Leong-Gehring-Nixon in view of Fuisz et al., US Patent No. 6,389,455 (hereinafter referred to as Fuisz).

16. As per claim 9, Thurlow-Leong-Gehring-Nixon discloses the claimed invention substantially as claimed. However, Thurlow-Leong-Nixon does not explicitly teach the prescribed characters are included in the title of the e-mail, the agent reception and transfer unit sets the e-mail to be in unread state.

In the same field of endeavor, Fuisz teaches if the prescribed characters are included in the title of the e-mail, the agent reception and transfer unit sets the e-mail to be in unread state, (See Fuisz Column 4 Lines 57-67 and Column 5 Lines 1-10).

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Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Nixon with the teachings of Fuisz to include the prescribed characters are included in the title of the e-mail, the agent reception and transfer unit sets the e-mail to be in unread state with the motivation to provide for a User sending an e-mail from a secondary account (e.g. corporate intranet account etc), the possibility exists that the recipient will respond utilizing the "reply" command. To ensure that such "replies" are routed through the bounce system, users may address outgoing e-mail to a special forwarding address and embed the ultimate address in a non-address portion of the e-mail (e.g. the re: line, to line, from line, cc line, bcc line, etc.).

Upon receipt of the e-mail the bounce system (i) identifies and strips the embedded address from the e-mail and (ii) identifies the primary account of the user. The bounce system then forwards the e-mail content to the ultimate addressee, in the form of an e-mail from the user's primary account. If the recipient chooses to "reply" to this e-mail, such response will be routed through the bounce system, (See Fuisz Column 2 Lines 28-43).

18. As per claim 10, Thurlow-Leong-Gehring-Nixon discloses the claimed invention as described above.

However, Thurlow-Leong-Gehring-Nixon-Fuisz does not explicitly teach an e-mail address of the transmission origin of the e-mail before the e-mail is received agrees with the e-mail address used by the agent reception and transfer unit, the agent reception and transfer unit sets the e-mail to be in unread state.

Fuisz teaches an e-mail address of the transmission origin of the e-mail before the e-mail

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is received agrees with the e-mail address used by the agent reception and transfer unit, the agent reception and transfer unit sets the e-mail to be in unread state, (See Fuisz Column 5 Lines 60-67; Column 6 Lines 1-22).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Nixon with the teachings of Fuisz to include an e-mail address of the transmission origin of the e-mail before the e-mail is received agrees with the e-mail address used by the agent reception and transfer unit, the agent reception and transfer unit sets the e-mail to be in unread state with the motivation to provide for a User sending an e-mail from a secondary account (e.g. corporate intranet account etc), the possibility exists that the recipient will respond utilizing the "reply" command. To ensure that such "replies" are routed through the bounce system, users may address outgoing e-mail to a special forwarding address and embed the ultimate address in a non-address portion of the e-mail (e.g. the re: line, to line, from line, cc line, bcc line, etc.). Upon receipt of the e-mail the bounce system (i) identifies and strips the embedded address from the e-mail and (ii) identifies the primary account of the user. The bounce system then forwards the e-mail content to the ultimate addressee, in the form of an e-mail from the user's primary account. If the recipient chooses to "reply" to this e-mail, such response will be routed through the bounce system, (See Fuisz Column 2 Lines 28-43).

Response to Arguments

9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued that Thurlow and Leong either

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alone or in combination failed to teach the newly added limitation of polling said terminals from the packet communication system. The new grounds of rejection teaches this feature.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
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